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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Sixteenth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 26th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 16 May 1997, at 10 a.m.

Chairperson: Mr. ALSTON

CONTENTS

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

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* The summary record of the second part (closed) of the meeting appears as document E/C.12/1997/SR.26/Add.1.

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The meeting was called to order at 10.20 a.m.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 5) (continued)

The Committee's methods of work

1. The CHAIRPERSON read out the conclusions drawn by the Committee from the report of the informal Working Group to discuss procedural reforms. The Working Group considered that the backlog of reports to be considered was unacceptable for the following reasons: (a) it meant that consideration of reports by the Committee was delayed by two years or more; (b) as more reports were submitted, the backlog would become much worse; (c) the situation caused significant inconvenience to States parties; (d) by the time they were considered, reports required updating; (e) lastly, it was difficult for bodies interested by the consideration of the reports to plan properly. For those reasons, all the options available to remedy the situation needed to be explored. The Committee also believed that it was desirable for the dialogue with States parties to be less diffuse, in order to improve its quality. Accordingly, the Committee proposed to hold an additional session during 1998 - with the agreement of the Economic and Social Council - to call upon all the parties concerned to support the action plan it had proposed and to continue to consider the implementation in practice of the proposal that reports should deal with a brief list of issues identified in advance by the Committee.

2. Where specific short-term measures were concerned, the pre-sessional Working Group would endeavour to adopt lists of issues containing fewer and more carefully targeted questions, divided into two sections: a first part consisting of priority concerns (on average four or five issues, with several questions relating to each issue), and a second part consisting of other matters to be taken up to the extent that time permitted. States would nevertheless be required to provide written answers to all the questions and annexes to those in part one. In addition, the Committee would take the necessary measures to ensure that the written replies were submitted sufficiently in advance and translated into the various working languages. It would also endeavour to make the best use of the time available.

3. The Chairperson would explain the Committee's preferences in a note to be made available in advance to delegations, and orally at the beginning of the dialogue with each country. States parties would be informed of the need to strike a proper balance between information on the formal legal situation and the situation in practice. The Chairperson and the other members of the Committee would intervene concisely when they felt that the dialogue, in terms of either form or substance, was going off at a tangent. When they asked questions, the members of the Committee would be invited, in particular, not to raise issues outside the scope of the Covenant, not to repeat questions already asked and not to speak for more than five minutes in any one intervention. The members of the Committee, in conjunction with the secretariat, would endeavour to draft more precise concluding observations and the Committee would attempt to increase its rate of adoption of general

comments. A number of areas of priority had been identified and individual members of the Committee asked to prepare drafts. It would perhaps be possible to examine those drafts before the Committee's May 1998 session. It was vital for the working groups to be composed in accordance with need rather than strict geographical rotation. The timing of the availability of reports to members should be clarified, as well as assignments to working groups for the following three sessions.

4. Mr. WIMER, referring to paragraph 10 of the report of the informal Working Group, insisted on the need for the pre-sessional Working Group to receive all the statistics it required to assess the situation in the country, particularly with regard to teaching, in due time from the States parties.

5. Mrs. JIMENEZ BUTRAGUEÑO, speaking as a member of the pre-sessional Working Group, requested further details on the content of the two sections of the list of issues referred to in paragraph 11 of the report of the informal Working Group.

6. The CHAIRPERSON said that in practice it would be the responsibility of the pre-sessional Working Group itself to decide how it would operate in the future, on the basis of its experience.

7. The CHAIRPERSON, replying to a question by Mr. AAMED, said that the secretariat would prepare for the Committee the list of members who would constitute each of the working groups. It would also specify the responsibilities of each group.

8. Mr. TEXIER suggested that, for practical reasons, the Committee should in future not require the rapporteurs for the various countries to belong to the pre-sessional Working Group.

9. The CHAIRPERSON said he took it that the members of the Committee approved the report of the informal Working Group, which would be incorporated into the Committee's annual report.

10. He read out four resolutions which could be submitted to the Economic and Social Council. The first of them concerned the honoraria to be paid to the members of the Committee, the second related to the convening, on an exceptional basis, of an additional three-week session in 1998, the third requested the Economic and Social Council to authorize the Committee to hold its nineteenth session at the end of 1998 in New York, and the fourth concerned authorization for an ad hoc working group on general comments, comprising five members of the Committee, exceptionally to meet shortly before the Committee's eighteenth session in April 1998.

11. Mr. TEXIER said that he approved the resolutions that would be submitted to the Economic and Social Council, although he wondered whether there was any real likelihood of their being adopted, on account of their financial implications. He also pointed out that if the working group that was due to meet in 1998 was to work effectively, each of its members should receive, sufficiently in advance, the draft general comments they would have to consider.

Mission to the Dominican Republic (continued)

12. The CHAIRPERSON said the Committee had agreed that the mission would be composed of Mr. Texier and Mr. Wimer, who would be assisted by an official from the Centre for Human Rights. Its mandate, which would be considered in greater detail by the Committee, would essentially concern issues relating to the application of article 11 of the Covenant (the right to housing) and other issues identified by the Committee in its concluding observations on the second periodic report of the Dominican Republic.

13. Subsequent to field visits and meetings with the competent government officials, private individuals and organizations from all walks of life, Mr. Texier would be responsible for drafting a report, whose contents would be approved by Mr. Wimer. The report would be submitted to the Committee at its seventeenth session and considered at the same time as the periodic report of the Dominican Republic. The secretariat was requested to assist in the preparations for the mission, in particular by collating information from all relevant sources, notably the United Nations Development Programme (UNDP), the World Bank, the United Nations Centre for Human Settlements (Habitat), the International Labour Organization (ILO) and various non-governmental organizations.

The public meeting rose at 11 a.m.